## 1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 Case No. 2:21-cv-01412-APG-EJY SAGE HUMPHRIES, GINA MENICHINO, ROSEMARIE DeANGELO, DANIELLE 5 GUTIERREZ and JANE DOE 100, **ORDER** 6 Plaintiffs, 7 v. 8 MITCHELL TAYLOR BUTTON and DUSTY BUTTON, 9 Defendants. 10 11 Pending before the Court is Defendants Mitchell Taylor Button and Dusty Button's Motion 12 to Strike Pursuant to Fed. R. Civ. P. 12(f). ECF No. 63. The Motion seeks to strike portions of the 13 Buttons' Third Party Complaint and Counterclaim filed at ECF No. 54. Id. at 1. The Motion was 14 filed on August 3, 2022, rendering a response date of August 17, 2022. No response to the Motion 15 was filed on or before August 17, 2022. Further, on August 12, 2022—before the response date to 16 the Motion to Strike—the Buttons filed an Amended Third Party Complaint and Counterclaim. ECF 17 No. 67. The filing of the Amended Third Party Complaint and Counterclaim was done before the 18 Court ruled on the Motion to Strike. 19 It appears from a review of the Amended Third Party Complaint and Counterclaim that the 20 Buttons unilaterally struck and revised the original filing without waiting for the Court to grant or 21 deny their request to do so. Compare ECF No. 54, ECF No. 63-1, and ECF No. 67. This filing 22 renders the Motion to Strike moot. The Court also notes that there was no opposition to the Motion 23 to Strike and, thus, under Local Rule 7-2(d), the Motion could otherwise be granted. 24 25 26 27

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1	Accordingly, IT IS HEREBY ORDERED that Defendants Mitchell Taylor Button and Dusty
2	Button's Motion to Strike Pursuant to Fed. R. Civ. P. 12(f) (ECF No. 63) is GRANTED as unopposed
3	and as mooted by the filing at ECF No. 67.
4	DATED this 18th day of August, 2022.
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7	ELAYNA J. YOUCHAH UNITED STATES MAGISTRATE JUDGE
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